

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION No. 5466 of 1998****For Approval and Signature:****HON'BLE MR JUSTICE KS JHAVERI**

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
 - 2 To be referred to the Reporter or not ?
 - 3 Whether their Lordships wish to see the fair copy of the judgment ?
 - 4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
 - 5 Whether it is to be circulated to the civil judge ?
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GUJARAT ELECTRICITY BOARD & 2 - Petitioner(s)

Versus

HARDAS MESHUR CHAVDA & 11 - Respondent(s)

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Appearance :

MR KETAN D SHAH for Petitioner No(s).: 1.
MR MD PANDYA for Petitioner No(s).: 2,3.
MR HD RANA for Respondent No(s).: 1,
2, 3, 4, 5, 6, 7, 9,11.
RULE SERVED for Respondent No(s).: 8, 10,12.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 19/07/2005

ORAL JUDGMENT

1.0 The petitioner Board has challenged the orders dated 10.06.1998, 19.06.1998 and 01.07.1998 passed by the Labour Court, Junagadh, at Annexures - 'A', 'H' & 'J' to the petition.

2.0 The respondents herein preferred applications before the petitioner Board for the Posts of Helpers, Typists, Jr. Assistants, Drivers, Peon which were reserved for Scheduled Tribe candidates. The respondents produced before the Authority the Certificates issued by the District Social Welfare Officer / Mamlatdars certifying that the concerned respondents belonged to the S.T. Category.

2.1 It is the case of the petitioners that when the petitioners carried out the verification of the caste certificates of the respondents, it was found that the said Authorities had never issued any such Certificates to the respondents. Therefore, petitioner no.2 issued Show-cause notices to the respondent. Pursuant to the above, respondent no.2 passed orders terminating the services of the respondents, at Annexure-D to the petition.

2.2 Being aggrieved by the said action, the respondents approached the Labour Court by filing a common application being Industrial Complaint No.54 of 1998 under Section 33(A) of the Industrial Disputes Act, 1947. The Labour Court, by impugned order dated 10.06.1998, at

Annexure-A to the petition, ordered status quo and adjourned the matter for further hearing.

2.3 On being served with the order, the petitioners appeared before the Labour Court on 18.06.1998 and filed an application along with their reply. It is the case of the petitioners that on 18.06.1998, the Advocate for the petitioners requested the Court to adjourn the matter to 24.06.1998. However, on 19.06.1998, the representative of the respondents filed an application before the Court and on the said application, the Labour Court passed the impugned order at Annexure-H to the petition.

2.4 It is the further case of the petitioners that when the order at Annexure-H to the petition was served on them, it came to their notice that the matter was fixed on 25.06.1998. On 25.06.1998, the Advocate for the petitioners filed an application for suspending the order dated 10.03.1998 and to vacate the same so as to enable them to approach this Court. However, on 01.07.1998, the Labour Court passed the impugned order at Annexure-J to the petition. Hence, this petition.

3.0 I have heard learned counsel for the parties and

perused the documents placed on record. While admitting the matter on 26.07.1999, this Court by way of interim relief, had stayed the operation of the impugned order dated 10.03.1998, at Annexure-A to the petition, though in the memo of petition the order date is mentioned as 10.06.1998. Since the application being Industrial Complaint No.54 of 1998 is still pending, in the interest of justice, it would appropriate to continue the interim relief granted by this Court till the said application is disposed of.

4.0 In above view of the matter, the Labour Court, Junagadh is directed to hear the application being Industrial Complaint No.54 of 1998 and to dispose it of, as expeditiously as possible and preferably within a period of one year from the receipt of writ of this order. During the pendency of the said application, the interim relief granted by this Court shall continue. With the aforesaid direction, the petition stands disposed of. Rule is made absolute to the aforesaid extent with no order as to costs.

(K. S. JHAVERI, J.)

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